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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,032	04/05/2001	Carlos Alberto Bonilla	10007487-1	4845

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EXAMINER

ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/827,032	BONILLA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Trent J Roche	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 July 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5,8-14 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,8-14 and 17-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. This office action is responsive to the amendment filed 2 July 2004.
2. Per applicant's request, amended claims 1, 12 and 20 have been entered. Claims 6, 7, 15 and 16 have been canceled. Newly added claims 21-23 have been entered. Claims 1-5, 8-14 and 17-23 are pending.
3. Claims 1-5, 8-14 and 17-23 have been examined.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 22 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite limitations regarding assigning roles to, specifically, non-root users via the authorization model, and running commands or options specified in the tools by the non-root users, based on the roles assigned, on one or more of nodes associated with the SCM module without external authorization (claim 22), and the authorization model assigning roles to non-root users so that the non-root users can run commands or options as root users on the nodes (claim 23). The specification does not disclose root or non-root users in general, let alone the ability to assign roles to non-root users via the authorization model, and allowing non-root users to run commands or

options as root users on the nodes. As such, the limitations of the claims as stated above are considered new matter, and claims 22 and 23 are rejected under 35 U.S.C. § 112, first paragraph.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-5, 8-14 and 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,064,813 to Sitbon et al, hereafter referred to as Sitbon.

**Regarding claim 1:**

Sitbon teaches:

- a method for independent tool integration (Note Fig. 1 and the corresponding section of the disclosure)
- creating a tool definition file that defines tools, wherein the tools provide server files for installation on a server (“software which produces, from the properties information, scripts specific to each service which allow the application to be automatically integrated into the services” in col. 2 lines 49-52. Further, the scripts are provided for facilitating the “launching of applications at a plurality of sites” in col. 2 lines 31-32)
- delivering the tool definition file to a directory on the server (“gathering this information and transmitting it to the conversion means” in col. 4 lines 4-5)

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- executing a tool command against the tool definition file to integrate the tools (“The execution of this script...makes it possible to integrate this application...into the service...” in col. 4 lines 44-45)
- delivering software products tools to managed nodes (“facilitates the launching of applications at a plurality of sites” in col. 2 lines 31-32. The application is inherently delivered for the application to execute at the sites.)
- copying or packaging the software products tools into software depot directories created during software installation (Note Appendix 1 and the corresponding section of the disclosure. The files are copied to directories, and paths to filesets are provided.)
- providing agent filesets for installation on the managed notes, and using software distributor commands to automatically distribute the agent filesets to the managed nodes (The scripts are provided for facilitating the “launching of applications at a plurality of sites” in col. 2 lines 31-32, wherein software distribution commands are inherently present if the applications are to execute at the plurality of sites.)

substantially as claimed.

#### **Regarding claim 2:**

The rejection of claim 1 is incorporated, and further, Sitbon discloses single-system awareness tools as claimed (Note figure 2 and the corresponding section of the disclosure)

#### **Regarding claim 3:**

The rejection of claim 1 is incorporated, and further, Sitbon discloses multi-system awareness tools as claimed (Note figure 1 and the corresponding section of the disclosure)

**Regarding claim 4:**

The rejection of claim 1 is incorporated, and further, Sitbon discloses executing the tool command against the tool definition file to add new tools as claimed (“These scripts are executed at the end of the installation procedure specific to PL, and they allow the installed application APC to be recognized...” in col. 4 lines 58-60)

**Regarding claim 5:**

The rejection of claim 1 is incorporated, and further, Sitbon discloses executing the tool command against the tool definition file to modify old tools as claimed (“These scripts are executed at the end of the installation procedure specific to PL, and they allow the installed application APC to be recognized...” in col. 4 lines 58-60)

**Regarding claim 8:**

The rejection of claim 7 is incorporated, and further, Sitbon discloses reinstalling the agent filesets on the managed nodes as claimed (“for reconfiguring the services...in order to take into account the new application” in col. 7 lines 55-56)

**Regarding claim 9:**

The rejection of claim 6 is incorporated, and further, Sitbon discloses delivering software products tools to managed nodes (“facilitates the launching of applications at a plurality of sites” in col. 2 lines 31-32. The plurality of sites constitute node groups.)

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**Regarding claim 10:**

The rejection of claim 6 is incorporated, and further, Sitbon discloses a synchronization software to facilitate communication as claimed (“in a standardized Hyper Text Markup Language (HTML)...” in col. 8 lines 62-63)

**Regarding claim 11:**

The rejection of claim 10 is incorporated, and further, Sitbon discloses reinstalling the agent configure filesets into the software depot directories on the server as claimed (“conversion means...for receiving the transmitted information and converting the integration information into a set of script commands...executed at an end of an installation procedure of the new application...for reconfiguring the services...in order to take into account the new application...” in col. 8 lines 53-59)

**Regarding claim 12:**

Claim 12 recites an apparatus for performing the method of claim 1, and is rejected for the reasons set forth in connection with claim 1.

**Regarding claim 13, 14 and 17-19:**

Claims 13, 14 and 17-19 recite an apparatus for performing the methods of claim 4, 5, 8, 10 and 11, respectively, and are rejected for the reasons set forth in connection with claims 4, 5, 8, 10 and 11, respectively.

**Regarding claim 20:**

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Sitbon teaches:

- a method for independent tool integration (Note Fig. 1 and the corresponding section of the disclosure)
- creating a tool definition file on a server that defines tools, wherein the tools provide server filesets for installation on a server (“software which produces, from the properties information, scripts specific to each service which allow the application to be automatically integrated into the services” in col. 2 lines 49-52. Further, the scripts are provided for facilitating the “launching of applications at a plurality of sites” in col. 2 lines 31-32)
- delivering the tool definition file to a directory on the server (“gathering this information and transmitting it to the conversion means” in col. 4 lines 4-5)
- executing a tool command against the tool definition file to add new tools to the tool definition file (“These scripts are executed at the end of the installation procedure specific to PL, and they allow the installed application APC to be recognized...” in col. 4 lines 58-60)
- executing a tool command against the tool definition file to modify old tools to the tool definition file (“These scripts are executed at the end of the installation procedure specific to PL, and they allow the installed application APC to be recognized...” in col. 4 lines 58-60)
- delivering software product’s tools to software depot directories to be installed on managed nodes using software distributor commands (Note Appendix 1 and the corresponding section of the disclosure. The files are copied to directories, and paths to filesets are provided. Further, the scripts are provided for facilitating the “launching of applications at a plurality of sites” in col. 2 lines 31-32, wherein software distribution commands are inherently present if the applications are to execute at the plurality of sites.)

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- copying or packaging the software products tools into software depot directories created during software installation (Note Appendix 1 and the corresponding section of the disclosure. The files are copied to directories, and paths to filesets are provided.)
  - providing agent filesets for installation on the managed notes, and using software distributor commands to automatically distribute the agent filesets to the managed nodes (The scripts are provided for facilitating the “launching of applications at a plurality of sites” in col. 2 lines 31-32, wherein software distribution commands are inherently present if the applications are to execute at the plurality of sites.)
- substantially as claimed.

**Per claim 21:**

The rejection of claim 1 is incorporated, and further, Sitbon discloses a service control manager (SCM) module as claimed (“PROG which...makes it possible to integrate APC into the services SERV automatically” in col. 4 lines 7-11)

*Response to Arguments*

8. Applicant's arguments filed 2 July 2004 have been fully considered but they are not persuasive.

**Per claims 1, 12 and 20:**

The applicant states that Sitbon focuses on application integration for already installed applications, and not on facilitating the installation and distribution of software applications. In response, the Examiner believes that application integration is an alternate way of describing the facilitation of the

installation of applications into a system, as the scripts in Sitbon are, in the end, utilized to facilitate an application program to work with the system.

The applicant goes on to state that Sitbon does not disclose delivering software product's tools to managed nodes, the delivering step comprising: copying or packaging the software product's tools into software depot directories created during software initialization; providing agent filesets for installation on the managed nodes; and using software distributor commands to automatically distribute the agent filesets to the managed nodes. As shown above in the rejection of claim 1, and in the prior office action regarding now canceled claims 6 and 7, Sitbon was shown to disclose the required limitations. Furthermore, the applicant fails to supply a reason as to why the cited passage does not teach or suggest the required limitations. Therefore, the rejection of claim 1 is proper and maintained. Similar limitations are recited in independent claims 12 and 20, and as such, the rejections of claims 12 and 20 are proper and maintained.

**Per claims 2-5, 8-11, 13, 14 and 17-19:**

The applicant states that claims 2-5, 8-11, 13, 14 and 17-19 are allowable as being dependent on an allowable base claim. As was shown above, the rejections of claims 1, 12 and 20 are proper and maintained, and as such, the argument that claims 2-5, 8-11, 13, 14 and 17-19 are allowable as being dependent on an allowable base claim is considered moot. The rejections of claims 2-5, 8-11, 13, 14 and 17-19 are proper and maintained.

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*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (703)305-4627. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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